IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2208 OF 2005

Chiplunkar B. Bhikaji & Ors. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Mr.P.M.Pradhan for the petitioner
Ms Geeta Shastri,A.G.P.

CORAM: SMT.RANJANA DESAI & A.S.OKA,JJ.
DATE : NOVEMBER 17,2005

P.C.:

1. Heard counsel for the parties. The learned counsel for the petitioners pointed out that 15 tenements situated in building No.1B, Devratna Nagar, Swadeshi Mill Compound, Chunabhatti are occupied by the members of police force. The basic grievance of the petitioners is that respondent 4 is not making payment towards the amount incurred in respect of day to day maintenance of the building including repairs of lift, water pump and other miscellaneous expenses on the written demand of the same made by the proposed society formed by the petitioners. On that ground the petitioners are seeking cancellation of allotment of the said fifteen tenements. Smt.Shastri, learned A.G.P. has tendered an affidavit of Ashok Daulatrao Goray, Assistant Commissioner of Police, Welfare branch and Head Quarters-III, Mumbai in the court. The relevant paragraph of the said affidavit reads thus :

"1. I say that I have already filed an affidavit dated 29th September 2005 in this Hon'ble Court. I repeat

and reiterate what is stated by me in the said affidavit. I am filing this additional affidavit pursuant to the Order passed by this Hon'ble court on 14th November, 2005. I say that the Respondent No.4 is ready and willing to make payment on the pro-rata basis in respect of 15 tenements/flats of Building No.1B, Chunabhatti of the amount incurred in respect of day to day maintenance of the building including the repairs of lift, water pump and other miscellaneous expenses on the written demand of the same made by the proposed Society formed by the petitioner to the Additional Commissioner of Police, East Region, Chembur, Mumbai - 400 071."

2. We accept the abovesaid statement of Shri Goray. In view of the said statement, Shri Pradhan, learned counsel for the petitioner seeks permission to withdraw this petition. Petition allowed to be withdrawn.

(SMT.RANJANA DESAI,J.)

(ABHAY S.OKA,J.)